

## Supreme Court of Pennsylvania

Court of Common Pleas  
Civil Cover Sheet

ERIE

County

For Prothonotary Use Only:

Docket No:

10721-2023

The information collected on this form is used solely for court administration purposes. This form does not supplement or replace the filing and service of pleadings or other papers as required by law or rules of court.

## Commencement of Action:

- ☐ Complaint
 ☒ Writ of Summons
 ☐ Petition
 ☐ Declaration of Taking

Lead Plaintiff's Name:

Lance Thornton

Lead Defendant's Name:

Steven DeLuca

Are money damages requested? ☒ Yes ☐ NoDollar Amount Requested: ☐ within arbitration limits  
☒ outside arbitration limits (check one)Is this a Class Action Suit? ☐ Yes ☒ NoIs this an MDJ Appeal? ☐ Yes ☒ No

Name of Plaintiff/Appellant's Attorney: Timothy D. McNair, Esquire

☐ Check here if you have no attorney (are a Self-Represented [Pro Se] Litigant)

**Nature of the Case:** Place an "X" to the left of the ONE case category that most accurately describes your **PRIMARY CASE**. If you are making more than one type of claim, check the one that you consider most important.

**TORT** (do not include Mass Tort)

- ☒ Intentional  
☐ Malicious Prosecution  
☐ Motor Vehicle  
☐ Nuisance  
☐ Premises Liability  
☐ Product Liability (does not include mass tort)  
☐ Slander/Libel/ Defamation  
☐ Other:

**CONTRACT** (do not include Judgments)

- ☐ Buyer Plaintiff  
☐ Debt Collection: Credit Card  
☐ Debt Collection: Other  
☐ Employment Dispute:  
     Discrimination  
☐ Employment Dispute: Other  
☐ Other:

**CIVIL APPEALS**

- Administrative Agencies  
☐ Board of Assessment  
☐ Board of Elections  
☐ Dept. of Transportation  
☐ Statutory Appeal: Other  
☐ Zoning Board  
☐ Other:

**MASS TORT**

- ☐ Asbestos  
☐ Tobacco  
☐ Toxic Tort - DES  
☐ Toxic Tort - Implant  
☐ Toxic Waste  
☐ Other:

**REAL PROPERTY**

- ☐ Ejectment  
☐ Eminent Domain/Condemnation  
☐ Ground Rent  
☐ Landlord/Tenant Dispute  
☐ Mortgage Foreclosure: Residential  
☐ Mortgage Foreclosure: Commercial  
☐ Partition  
☐ Quiet Title  
☐ Other:

**MISCELLANEOUS**

- ☐ Common Law/Statutory Arbitration  
☐ Declaratory Judgment  
☐ Mandamus  
☐ Non-Domestic Relations  
☐ Restraining Order  
☐ Quo Warranto  
☐ Replevin  
☐ Other:

**PROFESSIONAL LIABILITY**

- ☐ Dental  
☐ Legal  
☐ Medical  
☐ Other Professional:

LANCE THORNTON

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

Vs.

STEVEN DELUCA, JOHN DOE 1, JOHN  
DOE 2, JOHN DOE 3, JOHN DOE 4,  
JOHN DOE 5, JOHN DOE 6, JOHN DOE  
7, JOHN DOE 8, JOHN DOE 9, JOHN  
DOE 10 AND CITY OF ERIE,  
PENNSYLVANIA

CASE NO 10721-2023

WRIT OF SUMMONS

TO: THE ABOVE NAMED DEFENDANT (S):

YOU ARE HEREBY NOTIFIED THAT THE ABOVE-NAMED PLAINTIFF (S) HAS  
(HAVE) COMMENCED AN ACTION AGAINST YOU.

COPIES OF ALL PLEADINGS FILED SHOULD BE SERVED UPON PLAINTIFF (S) /  
COUNSEL:

Timothy D. McNair, Esq  
831 State Street  
Erie Pa 16501  
(814) 452-0700

AUBREA HAGERTY-HAYNES  
CLERK OF RECORDS  
PROTHONOTARY DIVISION

Date: March 27, 2023

By

Eruvinia Rivera-Vera, Deputy

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

LANCE THORNTON,  
Plaintiff

v.

STEVEN DELUCA, JOHN DOE 1, JOHN  
DOE 2, JOHN DOE 3, JOHN DOE 4,  
JOHN DOE 5, JOHN DOE 6, JOHN  
DOE 7, JOHN DOE 8, and JOHN DOE 9,  
JOHN DOE 10, and CITY OF ERIE,  
PENNSYLVANIA  
Defendants

CIVIL DIVISION - LAW

Case No.: 10721-2023

JURY TRIAL DEMANDED

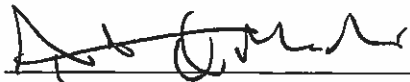
COMMON PLEAS COURT  
ERIE, PA  
2023 APR 20 PM 2:47  
CLERK OF RECORDS  
PROTHONOTARY

**NOTICE OF SERVICE OF PLAINTIFF'S PRE-COMPLAINT DISCOVERY  
REQUESTS DIRECTED TO DEFENDANT STEVEN DELUCA AND  
DEFENDANT CITY OF ERIE, PENNSYLVANIA**

Notice is hereby given that Plaintiff's Pre-Complaint Discovery Requests Directed to Defendant Steven DeLuca and Defendant City of Erie, Pennsylvania was served on the 20th day of April, 2023 by hand delivery to Ed Betza, Esquire City of Erie, Office of City Solicitor, 626 State Street, Erie, PA 16501 and by hand delivery to Steven DeLuca, City of Erie, Bureau of Police, 626 State Street, Erie, PA 16501.

**CERTIFICATE OF COMPLIANCE**

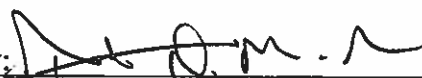
I certify that this filing complies with the provisions of the Case Records Public Access Policy of the Unified Judicial System of Pennsylvania that require filing confidential information and documents differently than non-confidential information and documents.



Timothy D. McNair, Esquire

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By: 

Timothy D. McNair, Esquire  
821 State Street  
Erie, PA 16501  
(814) 452-0700  
(814) 454-2371 (fax)  
tmcnair@mcnairlaw.com

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

LANCE THORNTON,  
Plaintiff

v.

STEVEN DELUCA, JOHN DOE 1, JOHN  
DOE 2, JOHN DOE 3, JOHN DOE 4,  
JOHN DOE 5, JOHN DOE 6, JOHN  
DOE 7, JOHN DOE 8, and JOHN DOE 9,  
JOHN DOE 10, and CITY OF ERIE,  
PENNSYLVANIA  
Defendants

CIVIL DIVISION - LAW

Case No.: 10721-2023

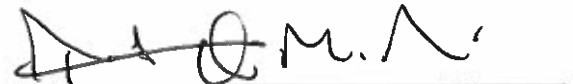
**JURY TRIAL DEMANDED**

**CERTIFICATE OF SERVICE**

On this 20<sup>th</sup> day of April, 2023 the undersigned does depose and say that he served a true and correct copy of Plaintiff's Pre-Complaint Discovery Requests Directed to Defendant Steven DeLuca and Defendant City of Erie, Pennsylvania by hand delivery upon the following:

Ed Betza, Esquire  
City of Erie, Office of City Solicitor  
City Hall  
626 State Street  
Erie, PA 16501

Steven DeLuca  
City of Erie, Bureau of Police  
City Hall  
626 State Street  
Erie, PA 16501



Timothy D. McNair, Esquire  
Attorney for Lance Thornton, Plaintiff



A. "Search" shall mean the incident occurring on the morning of March 12, 2023, at or near 410 Roslyn Avenue in Erie, Pennsylvania involving Erie Police and other law enforcement authorities.

B. "You" or "your" refers to Defendant(s) herein and to all other persons acting or purporting to act on behalf of Defendant(s), including agents and employees. "You" further includes all persons who participated in the Search or preparations for the Search, or analysis and reporting after the fact of the Search.

C. "Communications" shall mean all inquiries, discussions, conversations, negotiations, agreements, understandings, meetings, telephone conversations, letters, correspondence, notes, telegrams, telexes, advertisements, facsimiles, e-mail, or other forms of verbal and/or communicative intercourse.

D. "Documents" shall mean all written or graphic matter of every kind or description, however, produced or reproduced, whether draft or final, original or reproduction signed or unsigned, and regardless of whether approved, signed, sent, received, redrafted, or executed, including but not limited to: written communications, letters, correspondence, facsimiles, e-mail, memoranda, minutes, notes, films, recordings, of any type, transcripts, contracts, agreements, purchase or sales orders, memoranda of telephone conversations of personal conversations, diaries, desk calendars, interoffice communications, reports, studies, bills, receipts, checks, checkbooks, invoices, requisitions or material similar to any of the foregoing however denominated, by whomever prepared, and to whomever addressed, which are in your possession, custody or control or to which you have had or can obtain access.

E. "Person" or "Persons" means an individual, corporation, partnership, trust, association, company, organization, or any form of a business or commercial entity.

F. "Identify" when used with respect to an individual, means to state (1) their name; (2) business affiliation and official title and/or position; and (3) their last known residential and business address.

G. "Identify" when used with respect to a document, means to state (1) the type of document (e.g. letter, memorandum, hand-written note, facsimile, e-mail); (2) its date of origin or creation; (3) its author and addressee; (4) its last known custodian or locations; and (5) a brief description of its subject matter and size. In lieu of identifying any document(s), you may attach a copy of it to your answer, indicating the question to which it is responsive.

H. "Identify" when used with respect to a company or other business entity, means to state, (1) the company's legal name, any former names, and the name under which it trades or does business (2) the address of its principal place of business; and (3) the identity of its chief executive officer.

I. "Relate to" means consist of, refer to, reflect or be in any way logically connected with the matter discussed.

J. The period of time encompassed by these requests shall be from the date You received the alleged "credible tip" regarding Plaintiff, his property or relatives or associates of Plaintiff to the date responses to these requests are served unless otherwise indicated. These requests shall continuing and your duty is to supplement your responses with such responsive information as is discovered or obtained by you until the date of trial.

### **INTERROGATORIES**

1. Identify each individual who participated in the planning, execution, after-action review, or otherwise in the Search.

#### **ANSWER:**

2. For each person identified in your previous Interrogatory, identify the person's employer, and the agency or authority with which each person was affiliated.

#### **ANSWER:**

3. Set forth in detail the substance of the facts known to the persons named above prior to eight o'clock A.M. on March 12, 2023, that led to the conclusion that the Search was justified.

#### **ANSWER:**

4. Identify each individual, if any, who sought or obtained a search or arrest

warrant, or who advised any person who participated in the Search that no warrant was necessary to enter and search 410 Roslyn Avenue at any time.

**ANSWER:**

5. Identify the individual in command of the group searching 410 Roslyn Avenue.

**ANSWER:**

6. Identify the individual(s) who attempted to kick open the front door of 410 Roslyn St. at the outset of the Search.

**ANSWER:**

7. Set forth whether any social media search of Plaintiff, Lance Thornton, was done prior to eight o'clock a.m. on March 12, 2023. If so, identify the websites reviewed and identify the individual or individuals performing any such social media survey.

**ANSWER:**

8. Identify all ambulance personnel called to or staged at Roslyn Avenue at the time of the Search.

**ANSWER:**

9. Set forth the source and substance of the "credible tip" you allege was received prior to the Search indicating that there was justification for the Search.

**ANSWER:**

10. Was any advice sought from a judicial officer prior to the Search regarding

the propriety of the Search?

**ANSWER:**

11. If your answer to the preceding interrogatory is in the affirmative, identify the person or persons who sought the advice, and identify the person from whom the advice was sought.

**ANSWER:**

12. Set forth the policy of the Erie Police Department governing encounters with persons with disabilities.

**ANSWER:**

**REQUEST FOR PRODUCTION OF DOCUMENTS**

Please produce the following:

1. All documents directing or authorizing the persons or organizations named in your response to Interrogatory 1 to perform the Search.

**RESPONSE:**

2. All documents that refer, relate to or constitute any application for a search warrant, whether filed or not, including any transcripts of telephone conversations, notes, investigative reports and the like.

**RESPONSE:**

3. All documents relating to the decision to conduct the Search.



**RESPONSE:**

4. Any order or decision concerning any search warrant application seeking authority to search 410 Roslyn Avenue in Erie, Pennsylvania, at any time.

**RESPONSE:**

5. All memoranda or documents referring or relating to the Search, including any and all reports prepared by any person participating in the Search or supervising any of the individuals involved in the Search.

**RESPONSE:**

6. Produce all body-worn camera recordings relating to the Search. To the extent that you are aware of the existence of any body-worn camera recording that you claim is not available to you, identify the custodian of all such recordings and set forth the reason it is not available to you.

**RESPONSE:**

7. Produce all emails generated before, during, and after the Search that refer or relate to the Search, whether sent or received or not.

**RESPONSE:**

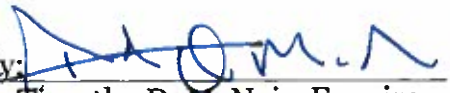
8. To the extent that you claim that the Search was conducted under the sole authority of the United States and that you or your employees were acting as deputies of

the United States Marshal Service or any task force created by or involving it, produce all certificates or documents appointing any of your employees as Deputy United States Marshals, and a complete and unredacted copy of any Memorandum of Understanding or agreement between the City of Erie or any bureau or division thereof and the United States Marshal Service establishing any such task force and containing any agreement or procedures regarding the operation of any such task force.

**RESPONSE:**

Respectfully submitted,

MCNAIR LAW OFFICES, PLLC

By:   
Timothy D. McNair, Esquire  
821 State Street  
Erie, PA 16501  
(814) 452-0700  
(814) 454-2371 (fax)  
tmcnair@mcnairlaw.com

IN THE COURT OF COMMON PLEAS  
OF ERIE COUNTY, PENNSYLVANIA

LANCE THORNTON,  
Plaintiff

v.

STEVEN DELUCA, JOHN DOE 1, JOHN  
DOE 2, JOHN DOE 3, JOHN DOE 4,  
JOHN DOE 5, JOHN DOE 6, JOHN  
DOE 7, JOHN DOE 8, and JOHN DOE 9,  
JOHN DOE 10, and CITY OF ERIE,  
PENNSYLVANIA  
Defendants

:  
:  
: CIVIL DIVISION - LAW  
:  
:  
: Case No.: 10721-2023  
:  
:  
:  
: **JURY TRIAL DEMANDED**  
:  
:

**VERIFICATION**

I, Steven DeLuca, subject to the penalties of 18 Pa C.S.A. Section 4904, relating to unsworn falsification to authorities, state the attached answers and/or documents are submitted in response to the foregoing Interrogatories and Request for Production of Documents and that to the best of my knowledge, information and belief they are true and complete.

\_\_\_\_\_  
Date

\_\_\_\_\_  
Steven DeLuca

# McNair Law Offices, PLLC

ATTORNEYS AND COUNSELORS AT LAW

April 20, 2023

Steven DeLuca  
City of Erie, Bureau of Police  
City Hall  
626 State Street  
Erie, PA 16501

Re: Thornton v. DeLuca, et al.  
No.: 10721-2023

Dear Mr. DeLuca:


Enclosed please find the original and one copy of Plaintiff's discovery requests in aid of preparation of a Complaint as well as a time-stamped copy Notice of Service of same. These are served upon you pursuant to the Pennsylvania Rules of Civil Procedure and require your response.

Should you have questions, I would suggest that you contact an attorney.

Thank you.

Very truly yours,

MCNAIR LAW OFFICES, PLLC

By:   
Timothy D. McNair, Esquire

TDM/arr  
Enclosures

cc: Ed Betza, Esquire *via hand delivery*  
Lance Thornton *via email*

# McNair Law Offices, PLLC

ATTORNEYS AND COUNSELORS AT LAW

April 20, 2023

City of Erie, Office of City Solicitor  
City Hall  
626 State Street  
Erie, PA 16501

Re: Thornton v. DeLuca, et al.  
No.: 10721-2023

Dear Mr. Betza:

Enclosed herewith please find the original and one copy of Plaintiff's discovery requests in aid of the preparation of a Complaint pursuant to Pa.R.C.P. 4003.8 as well as a time-stamped copy Notice of Service of same.

Since these discovery requests relate only to knowledge and documents in the possession of the City of Erie or Mr. DeLuca, and are limited to the facts concerning a search conducted at 410 Roslyn Avenue, Erie, Pennsylvania 16506 on March 12, 2023, and seek primarily the identification of parties and circumstances leading up to the conduct of the search, we believe that these are squarely within the limitations of Pa.R.C.P. 4003.8.

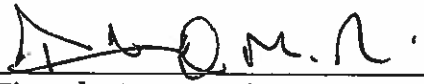
It has been represented to us that all of the documents requested are in the possession of the United States Marshal Service, which is not a party to this case. Nonetheless, we are not required or inclined to accept such representation without documentary proof. Should you maintain this position, we expect that you will file a Motion for Protective Order so that we may seek a ruling from the Court.

Should you have any questions, please contact me.

Thank you.

Very truly yours,

MCNAIR LAW OFFICES, PLLC

By:   
Timothy D. McNair, Esquire

TDM/arr  
Enclosures

cc: Steven DeLuca *via hand delivery*  
Lance Thornton *via email*



2023-10721 LANCE THORNTON (vs) STEVEN DELUCA, AL

Reference No.:  
Case Type.....: TORT - INTENTIONAL  
Judgment.....: .00  
Judge Assigned:  
Disposed Desc.:  
----- Case Comments -----

Filed.....: 3/24/2023  
Time.....: 3:29  
Execution Date 0/00/0000  
Jury Trial....  
Disposed Date. 0/00/0000  
Higher Crt 1.:  
Higher Crt 2.:

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## General Index

## Attorney Info

THORNTON LANCE NO ADDRESS GIVEN	PLAINTIFF	MCNAIR TIMOTHY D, ESQ
DELUCA STEVEN NO ADDRESS GIVEN	DEFENDANT	
DOE JOHN 1 NO ADDRESS GIVEN	DEFENDANT	
DOE JOHN 2 NO ADDRESS GIVEN	DEFENDANT	
DOE JOHN 3	DEFENDANT	
DOE JOHN 4	DEFENDANT	
DOE JOHN 5	DEFENDANT	
DOE JOHN 6	DEFENDANT	
DOE JOHN 7	DEFENDANT	
DOE JOHN 8	DEFENDANT	
DOE JOHN 9	DEFENDANT	
DOE JOHN 10	DEFENDANT	
ERIE CITY OF PENNSYLVANIA	DEFENDANT	

\*\*\*\*\*  
\* Date Entries \*

3/24/2023 - - - - - FIRST ENTRY - - - - -  
CAPTION: LANCE THORNTON VS STEVEN DELUCA, JOHN DOE 1, JOHN DOE 2,  
JOHN DOE 3, JOHN DOE 4, JOHN DOE 5, JOHN DOE 6, JOHN DOE 7, JOHN  
DOE 8, JOHN DOE 9, JOHN DOE 10 AND CITY OF ERIE, PENNSYLVANIA  
-----  
3/24/2023 CIVIL COVER SHEET FILED.  
-----  
3/24/2023 PRAECIPE FOR WRIT OF SUMMONS F/TIMOTHY D MCNAIR ESQ W/CERT OF  
COMPLIANCE  
-----  
3/27/2023 WRIT OF SUMMONS ISSUED.  
-----  
4/06/2023 SHERIFF'S FILE RETURNED TO PROTHONOTARY'S OFFICE, FILED.  
CASE TYPE.: WRIT OF SUMMONS RET TYPE: REGULAR  
LITIGANT...: CITY OF ERIE  
ADDRESS...: 626 STATE STREET  
CTY/ST/ZIP: ERIE, PA 16501  
HND TO....: MARILYN POL (DEPUTY CITY CLERK), AIC  
SHF/DPTY...: ANDY JACKSON  
DATE/TIME..: 4-4-23 @09:39  
-----  
4/06/2023 SHERIFF'S FILE RETURNED TO PROTHONOTARY'S OFFICE, FILED.  
CASE TYPE.: WRIT OF SUMMONS RET TYPE: REGULAR  
LITIGANT...: STEVEN DELUCA  
ADDRESS...: 626 STATE STREET  
CTY/ST/ZIP: ERIE, PA 16501  
HND TO....: MARILYN POL (DEPUTY CITY CLERK), AIC  
SHF/DPTY...: ANDY JACKSON  
DATE/TIME..: 4-4-23 @09:40

2023-10721 LANCE THORNTON (vs) STEVEN DELUCA, AL

Reference No...:  
Case Type.....: TORT - INTENTIONAL  
Judgment.....: .00  
Judge Assigned:  
Disposed Desc.:

Filed.....: 3/24/2023  
Time.....: 3:29  
Execution Date 0/00/0000  
Jury Trial....  
Disposed Date. 0/00/0000  
Higher Crt 1.:  
Higher Crt 2.:

----- Case Comments -----

COSTS.....: \$ 119.00

4/20/2023 NOTICE OF SERVICE OF PLAINTIFF'S PRE-COMPLAINT DISCOVERY REQUESTS  
DIRECTED TO DEFENDANT STEVEN DELUCA AND DEFENDANT CITY OF ERIE,  
PENNSYLVANIA, UPON ED BETZA, ESQ, OFFICE OF CITY SOLICITOR, 626  
STATE ST ERIE PA 16501 ON 4/20/23; AND STEVEN DELUCA, CITY OF ERIE,  
BUREAU OF POLICE, 626 STATE ST ERIE, PA 16501, ON 4/20/23.  
F/TIMOTHY D MCNAIR, ESQ. W/CERT OF COMPLIANCE AND CERT OF SERVICE  
- - - - - LAST ENTRY - - - - -

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\* Escrow Information \*

* Fees & Debits	Beg Bal	Pymts/Adj	End Bal	*
SUMMONS TAX	.50	.50	.00	
JCS/ATJ	40.25	40.25	.00	
SUMMONS	98.00	98.00	.00	
AUTOMATION FEE	5.00	5.00	.00	
	143.75	143.75	.00	

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SUMMONS TAX	.50	.50	.00
JCS/ATJ	40.25	40.25	.00
SUMMONS	98.00	98.00	.00
AUTOMATION FEE	5.00	5.00	.00

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\* End of Case Information \*

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